

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CLARENCE WESLEY HURT, III,

Plaintiff,

vs.

SPOKANE COUNTY SHERIFF'S
DEPARTMENT and BENTON COUNTY
SHERIFF'S DEPARTMENT,

Defendants.

NO. CV-08-361-RHW

ORDER DISMISSING COMPLAINT

1915(g)

By Order filed January 20, 2009 (Ct. Rec. 25), the court advised Mr. Hurt of the deficiencies of his complaint and directed him to amend or voluntarily dismiss within sixty (60) days. Specifically, the court noted Plaintiff's accusations against unspecified individuals on unspecified dates failed to state a claim upon which relief could be granted. Plaintiff also failed to allege facts from which the court could infer the two named Defendants engaged in a pattern or practice that resulted in the deprivation of his constitutional rights. See *Gobel v. Maricopa County*, 867 F.2d 1201, 1206-09 (9th Cir. 1989).

The court cautioned Mr. Hurt that failure to amend to cure these deficiencies would result in dismissal of the action and may affect his future ability to file actions *in forma pauperis*. Although

1 granted the opportunity to do so, Mr. Hurt did not amend his complaint
2 to state a claim upon which relief may be granted. Since February 1,
3 2009, Mr. Hurt has filed nothing further in this action. Accordingly,
4 for the reasons set forth above and in the Order filed January 20,
5 2009, **IT IS ORDERED** the complaint is **DISMISSED with prejudice** under 28
6 U.S.C. §§ 1915(e)(2) and 1915A(b)(1). All pending motions are **DENIED**
7 **as moot.**

8 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a
9 prisoner who brings three or more civil actions or appeals which are
10 dismissed as frivolous or for failure to state a claim will be
11 precluded from bringing any other civil action or appeal *in forma*
12 *pauperis* "unless the prisoner is under imminent danger of serious
13 physical injury." 28 U.S.C. § 1915(g). Plaintiff is advised to read
14 the new statutory provisions under 28 U.S.C. § 1915. This dismissal
15 of Plaintiff's complaint may count as one of the three dismissals
16 allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to
17 file future claims.

18 **IT IS SO ORDERED.** The District Court Executive is directed to
19 enter this Order, forward a copy to Plaintiff at his last known
20 address, enter judgment, and close the file. The District Court
21 Executive is further directed to forward a copy of this Order to the

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1 Office of the Attorney General of Washington, Criminal Justice
2 Division.

3 **DATED** this 9th day of April, 2009.

4 *S/ Robert H. Whaley*

5 ROBERT H. WHALEY
6 CHIEF UNITED STATES DISTRICT JUDGE
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